

# ASSEMBLY, No. 3474

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 5, 2018

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**SYNOPSIS**

Establishes additional county recording fees to support “New Jersey Affordable Housing Trust Fund.”

**CURRENT VERSION OF TEXT**

As introduced.



A3474 VAINIERI HUTTLE

2

1 AN ACT concerning county recording fees and the “New Jersey  
2 Affordable Housing Trust Fund” and amending P.L.1965, c.123  
3 and P.L.1985, c.222.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. Section 2 of P.L.1965, c.123 (C.22A:4-4.1) is amended to  
9 read as follows:

10 2. a. County clerks and registers of deeds and mortgages, in  
11 counties having such offices, shall charge for the services herein  
12 enumerated the following fees:

	Fee
For recording veteran's discharge papers	No fee
For recording any instrument:	
First page	\$30.00
Each additional page or part thereof	\$10.00
Each rider, insertion, addition, or any map, plat or sketch filed or recorded pursuant to subsection (c) of section 2 of P.L.1957, c.130 (C.48:3-17.3)	\$10.00
For entering the marginal notation of an order, judgment, statement or warrant discharging, annulling a notice of lis pendens and for filing such order, judgment or statement	\$10.00
For filing a lis pendens foreclosure	\$30.00
Notation	\$10.00
For preparing and transmitting to the assessor, collector, or other custodian of the assessment map of any taxing district, the abstract of an instrument evidencing title to realty	\$10.00
For entering the marginal notation of a discharge or release of a New Jersey building and loan or savings and loan mortgage and forwarding abstract	\$10.00
For entering the marginal notation of a discharge, assignment, postponement or release of a mortgage, other than building and loan and savings and loan mortgages	\$10.00
For the cancellation of any mortgage	\$20.00
For a marginal notation of the discharge of a mortgage in counties where mortgages are indexed under a system requiring a duplication of indices and description	\$10.00
For filing and recording notice of federal tax	

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

# A3474 VAINIERI HUTTLE

3

1	lien or other federal lien or certificate	
2	discharging such lien	\$25.00
3	For filing a notice of settlement	\$20.00
4	For filing each map, plat, plan or chart	
5	(except when presented by the State or	
6	its agencies or filed pursuant to subsection (c) of	
7	section 2 of P.L.1957, c.130 (C.48:3-17.3))	\$55.00
8	For recording tax sale certificate, except by	
9	municipalities, or a redemption or assignment	
10	of tax sale certificate, first page	\$30.00
11	Each additional page or part thereof	\$10.00
12	Certified copy of veteran's discharge	No fee
13	For indexing any recorded instrument in excess	
14	of 5 parties, per each name in excess of 5	\$6.00
15	For recording tax sale certificate, lien, deed,	
16	or related instrument by a municipality	\$8.00
17	For recording vacations or dedications of roads,	
18	first page	\$30.00
19	Each additional page or part thereof	\$10.00
20	For disclaimers	\$15.00
21	For reimbursement agreements	No fee

22     b. In addition to each fee for the recording of any instrument  
23     collected by county clerks and registers of deeds and mortgages  
24     pursuant to this section and any other rule regulation, or law, an  
25     amount of \$75 shall be collected by the county clerk and registers  
26     of deeds and mortgages. The fees, after deduction of any actual  
27     administrative costs incurred by county clerks and registers of  
28     deeds and mortgages in carrying out the provisions of this  
29     subsection, shall be sent quarterly by the office of the county clerk  
30     or register of deeds and mortgages, as appropriate, to the State  
31     Treasurer. The State Treasurer shall biannually credit all funds  
32     received pursuant to this subsection to the "New Jersey Affordable  
33     Housing Trust Fund," established pursuant to section 20 of  
34     P.L.1985, c.222 (C.52:27D-320).  
35     (cf: P.L.2007, c.144, s.1)

36  
37     2. Section 20 of P.L.1985, c.222 (C.52:27D-320) is amended to  
38     read as follows:

39     20. There is established in the Department of Community  
40     Affairs a separate trust fund, to be used for the exclusive purposes  
41     as provided in this section, and which shall be known as the "New  
42     Jersey Affordable Housing Trust Fund." The fund shall be a non-  
43     lapsing, revolving trust fund, and all monies deposited or received  
44     for purposes of the fund shall be accounted for separately, by source  
45     and amount, and remain in the fund until appropriated for such  
46     purposes. The fund shall be the repository of all State funds  
47     appropriated for affordable housing purposes, including, but not  
48     limited to, the proceeds from the receipts of the additional fee

1 collected pursuant to paragraph (2) of subsection a. of section 3 of  
2 P.L.1968, c.49 (C.46:15-7), proceeds from available receipts of the  
3 Statewide non-residential development fees collected pursuant to  
4 section 35 of P.L.2008, c.46 (C.40:55D-8.4), monies lapsing or  
5 reverting from municipal development trust funds, the proceeds  
6 from the receipts of the additional \$75 fee collected pursuant to  
7 subsection b. of section 2 of P.L.1965, c.123 (C.22A:4-4.1), or  
8 other monies as may be dedicated, earmarked, or appropriated by  
9 the Legislature for the purposes of the fund. All references in any  
10 law, order, rule, regulation, contract, loan, document, or otherwise,  
11 to the "Neighborhood Preservation Nonlapsing Revolving Fund"  
12 shall mean the "New Jersey Affordable Housing Trust Fund." The  
13 department shall be permitted to utilize annually up to 7.5 percent  
14 of the monies available in the fund for the payment of any  
15 necessary administrative costs related to the administration of the  
16 "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), or any  
17 costs related to administration of P.L.2008, c.46 (C.52:27D-329.1 et  
18 al.).

19 a. Except as permitted pursuant to subsection g. of this section,  
20 and by section 41 of P.L.2009, c.90 (C.52:27D-320.1), the  
21 commissioner shall award grants or loans from this fund for  
22 housing projects and programs in municipalities whose housing  
23 elements have received substantive certification from the council, in  
24 municipalities receiving State aid pursuant to P.L.1978, c.14  
25 (C.52:27D-178 et seq.), in municipalities subject to a builder's  
26 remedy as defined in section 28 of P.L.1985, c.222 (C.52:27D-328)  
27 or in receiving municipalities in cases where the council has  
28 approved a regional contribution agreement and a project plan  
29 developed by the receiving municipality.

30 Of those monies deposited into the "New Jersey Affordable  
31 Housing Trust Fund" that are derived from municipal development  
32 fee trust funds, or from available collections of Statewide non-  
33 residential development fees, a priority for funding shall be  
34 established for projects in municipalities that have petitioned the  
35 council for substantive certification.

36 Programs and projects in any municipality shall be funded only  
37 after receipt by the commissioner of a written statement in support  
38 of the program or project from the municipal governing body.

39 b. The commissioner shall establish rules and regulations  
40 governing the qualifications of applicants, the application  
41 procedures, and the criteria for awarding grants and loans and the  
42 standards for establishing the amount, terms and conditions of each  
43 grant or loan.

44 c. For any period which the council may approve, the  
45 commissioner may assist affordable housing programs which are  
46 not located in municipalities whose housing elements have been  
47 granted substantive certification or which are not in furtherance of a  
48 regional contribution agreement; provided that the affordable

1 housing program will meet all or part of a municipal low and  
2 moderate income housing obligation.

3 d. Amounts deposited in the "New Jersey Affordable Housing  
4 Trust Fund" shall be targeted to regions based on the region's  
5 percentage of the State's low and moderate income housing need as  
6 determined by the council. Amounts in the fund shall be applied for  
7 the following purposes in designated neighborhoods:

8 (1) Rehabilitation of substandard housing units occupied or to  
9 be occupied by low and moderate income households;

10 (2) Creation of accessory apartments to be occupied by low and  
11 moderate income households;

12 (3) Conversion of non-residential space to residential purposes;  
13 provided a substantial percentage of the resulting housing units are  
14 to be occupied by low and moderate income households;

15 (4) Acquisition of real property, demolition and removal of  
16 buildings, or construction of new housing that will be occupied by  
17 low and moderate income households, or any combination thereof;

18 (5) Grants of assistance to eligible municipalities for costs of  
19 necessary studies, surveys, plans and permits; engineering,  
20 architectural and other technical services; costs of land acquisition  
21 and any buildings thereon; and costs of site preparation, demolition  
22 and infrastructure development for projects undertaken pursuant to  
23 an approved regional contribution agreement;

24 (6) Assistance to a local housing authority, nonprofit or limited  
25 dividend housing corporation or association or a qualified entity  
26 acting as a receiver under P.L.2003, c.295 (C.2A:42-114 et al.) for  
27 rehabilitation or restoration of housing units which it administers  
28 which: (a) are unusable or in a serious state of disrepair; (b) can be  
29 restored in an economically feasible and sound manner; and (c) can  
30 be retained in a safe, decent and sanitary manner, upon completion  
31 of rehabilitation or restoration; and

32 (7) Other housing programs for low and moderate income  
33 housing, including, without limitation, (a) infrastructure projects  
34 directly facilitating the construction of low and moderate income  
35 housing not to exceed a reasonable percentage of the construction  
36 costs of the low and moderate income housing to be provided and  
37 (b) alteration of dwelling units occupied or to be occupied by  
38 households of low or moderate income and the common areas of the  
39 premises in which they are located in order to make them accessible  
40 to persons with disabilities.

41 e. Any grant or loan agreement entered into pursuant to this  
42 section shall incorporate contractual guarantees and procedures by  
43 which the division will ensure that any unit of housing provided for  
44 low and moderate income households shall continue to be occupied  
45 by low and moderate income households for at least 20 years  
46 following the award of the loan or grant, except that the division  
47 may approve a guarantee for a period of less than 20 years where  
48 necessary to ensure project feasibility.

1 f. Notwithstanding the provisions of any other law, rule or  
2 regulation to the contrary, in making grants or loans under this  
3 section, the department shall not require that tenants be certified as  
4 low or moderate income or that contractual guarantees or deed  
5 restrictions be in place to ensure continued low and moderate  
6 income occupancy as a condition of providing housing assistance  
7 from any program administered by the department, when that  
8 assistance is provided for a project of moderate rehabilitation if the  
9 project (1) contains 30 or fewer rental units and (2) is located in a  
10 census tract in which the median household income is 60 percent or  
11 less of the median income for the housing region in which the  
12 census tract is located, as determined for a three person household  
13 by the council in accordance with the latest federal decennial  
14 census. A list of eligible census tracts shall be maintained by the  
15 department and shall be adjusted upon publication of median  
16 income figures by census tract after each federal decennial census.

17 g. In addition to other grants or loans awarded pursuant to this  
18 section, and without regard to any limitations on such grants or  
19 loans for any other purposes herein imposed, the commissioner  
20 shall annually allocate such amounts as may be necessary in the  
21 commissioner's discretion, and in accordance with section 3 of  
22 P.L.2004, c.140 (C.52:27D-287.3), to fund rental assistance grants  
23 under the program created pursuant to P.L.2004, c.140 (C.52:27D-  
24 287.1 et al.). Such rental assistance grants shall be deemed  
25 necessary and authorized pursuant to P.L.1985, c.222 (C.52:27D-  
26 301 et al.), in order to meet the housing needs of certain low income  
27 households who may not be eligible to occupy other housing  
28 produced pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).

29 h. The department and the State Treasurer shall submit the  
30 "New Jersey Affordable Housing Trust Fund" for an audit annually  
31 by the State Auditor or State Comptroller, at the discretion of the  
32 Treasurer. In addition, the department shall prepare an annual  
33 report for each fiscal year, and submit it by November 30th of each  
34 year to the Governor and the Legislature, and the Joint Committee  
35 on Housing Affordability, or its successor, and post the information  
36 to its web site, of all activity of the fund, including details of the  
37 amount deposited in the fund pursuant to subsection b. of section 2  
38 of P.L.1965, c.123 (C.22A:4-4.1), grants and loans by number of  
39 units, number and income ranges of recipients of grants or loans,  
40 location of the housing renovated or constructed using monies from  
41 the fund, the number of units upon which affordability controls  
42 were placed, and the length of those controls. The report also shall  
43 include details pertaining to those monies allocated from the fund  
44 for use by the State rental assistance program pursuant to section 3  
45 of P.L.2004, c.140 (C.52:27D-287.3) and subsection g. of this  
46 section.

47 i. The commissioner may award or grant the amount of any  
48 appropriation deposited in the "New Jersey Affordable Housing

1 Trust Fund" pursuant to section 41 of P.L.2009, c.90 (C.52:27D-  
2 320.1) to municipalities pursuant to the provisions of section 39 of  
3 P.L.2009, c.90 (C.40:55D-8.8).  
4 (cf: P.L.2017, c.131, s.200)  
5

6 3. This act shall take effect on January 1 of the first full  
7 calendar year next following the enactment of P.L. , c. (C. )  
8 (pending before the Legislature as this bill).  
9  
10

#### 11 STATEMENT 12

13 This bill would establish a \$75 fee to be collected for the  
14 recording of instruments by county clerks and registers of deeds and  
15 mortgages. The fee will be in addition to fees already collected  
16 pursuant to current law. This bill requires that the county clerk  
17 deduct all actual and necessary administrative costs incurred by the  
18 county clerks and registers of deeds and mortgages in collecting and  
19 transmitting the fees, and then to send the remainder, each quarter,  
20 to the State Treasurer. The deduction of incurred expenses would  
21 avoid claims that the collection and disbursement of the additional  
22 fee constitutes an unfunded State mandate. The State Treasurer  
23 would be required to biannually credit funds sent to the Treasurer  
24 pursuant to this bill to the "New Jersey Affordable Housing Trust  
25 Fund."

26 The purpose of this bill is to provide an additional funding  
27 source to the "New Jersey Affordable Housing Trust Fund" for the  
28 benefit of New Jersey residents and communities in need of  
29 affordable housing.